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Viewing cable 09CARACAS1419, ELECTORAL COUNCIL RECTOR ON 2010 ELECTIONS, THE

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Reference ID	Created	Released	Classification	Origin
09CARACAS1419	2009-11-05 20:09	2011-08-30 01:44	CONFIDENTIAL	Embassy Caracas

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C O N F I D E N T I A L SECTION 01 OF 03 CARACAS 001419

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E.O. 12958: DECL: 11/03/2029
TAGS: [PGOV](#) [KDEM](#) [VE](#)
SUBJECT: ELECTORAL COUNCIL RECTOR ON 2010 ELECTIONS, THE
OPPOSITION, AND VOTER FRAUD

REF: CARACAS 1330
CARACAS 00001419 001.2 OF 003

Classified By: POLITICAL COUNSELOR ROBIN D. MEYER,

FOR REASON 1.4(D)

¶1. (C) Summary: The sole non-Chavista rector of the National Electoral Council (CNE), Vicente Diaz, told Poloffs on October 22 that the CNE would announce the election timetables, implementing electoral regulations, and any changes to the voting districts by December. Diaz dismissed opposition allegations about inaccuracies within the electoral registry (REP) and resulting electoral fraud. He said while elections might be "transparent," however, they were not "fair" because of the media advantage enjoyed by Chavista candidates. Diaz also predicted that the two CNE rectors whose terms expired at the end of October would be replaced, in part due to Chavez ally Diosdado Cabello's efforts to assert his influence within the CNE. End Summary.

¶2. (SBU) The CNE announced November 4 that AN elections would be held on September 26, 2010, although the Deputies would not take office until January 5, 2011. Party primaries would be held sometime in April or May 2010. Several political observers have told Poloffs that they expect local elections will be postponed until 2011. The CNE said they would consider holding the remaining miscellaneous elections -- including for the Mayor of Maracaibo and Governor of Amazonas State -- in early December 2010.

ELECTION DETAILS TO BE UNVEILED BY DECEMBER

¶3. (C) Diaz pledged that the 2010 election timetables, the implementing electoral regulations, and any changes to the voting districts would be unveiled by December 2009. While Diaz asserted that the dates would not be altered after the official CNE announcement, he admitted the possibility they could be changed if Chavez saw political benefit from doing so. Diaz lamented that the new electoral regulations would probably not contain some measures that could build voter confidence, such as a prohibition on public officials' involvement in political campaigns, which would have affected President Chavez. The CNE would also not likely approve regulations that ran counter to Chavez' interests, such as ruling that he could not hold mandatory "cadena" broadcasts in support of United Socialist Party of Venezuela (PSUV) candidates during the campaign season.

VENEZUELAN ELECTIONS: "TRANSPARENT, BUT NOT FAIR"

¶4. (C) Diaz characterized his informal role within the CNE since the current leadership's 2006 election as largely technical: identifying flaws within the electoral process and the means to rectify them. He said the CNE had instituted 47 "countermeasures" to address past or potential compromises of the electoral system, which had helped build voter confidence in the system's integrity. He highlighted one of these mechanisms in the context of electronic voting: on election day the voting machines themselves remained disconnected from the CNE's vote-counting headquarters until after the polls were closed. Even after the machines were "plugged in" to the CNE's network, the data was encrypted before being sent, and could only be received and tabulated at CNE headquarters upon input of the appropriate decryption passwords. Regarding activities at the voting centers themselves, Diaz noted that, technically speaking, it was nearly impossible to influence or change votes if there were witnesses from a mix of political parties and civil society present at the voting table. He did acknowledge, however, that at voting centers where such witnesses were not present, vote manipulation was possible, albeit unlikely in his opinion.

¶5. (C) While Diaz argued that the CNE's technical and organizational competence had significantly improved the credibility of Venezuelan elections, he acknowledged that recent voting had taken place in a climate of intimidation and inequality: "Elections in Venezuela are transparent, but

they are not carried out on a fair playing field." He criticized the Venezuelan government's (GBRV) manipulation of state resources on behalf of the PSUV, specifically Chavez's use of mandatory broadcasts ("cadenas") on behalf of Chavista candidates. He claimed that, since the 2007 closure of Radio Caracas TV (RCTV), nominally independent media outlets such as Venevision had been intimidated into favoring Chavista candidates with their programming. Diaz asserted that the imbalance in free media air time between the GBRV and the opposition and self-censorship and partisanship by the media were the biggest obstacles to establishing a fair electoral playing field.

ELECTORAL REGISTRY FRAUD: MUCH ADO ABOUT NOTHING

16. (C) Diaz downplayed opposition complaint about inaccuracies in the REP, which was only as good as the information fed into it. He noted that much of Venezuela's poor majority -- as many as 1.6 million people, or about ten percent of the voting population -- do not have physical addresses since they live in barrios that are not formally zoned and registered. Additionally, many Venezuelans registered prior to 1996, when legislation was passed that required a physical address to register. Moreover, many voters never submit updated name and address information to the CNE, and deceased voters often remain on the REP due to paperwork delays. Diaz rejected opposition claims that they lacked the same level of access to the REP as the GBRV, contending that an updated copy of the list was sent to each political party every month and that all the information was available online, except for voters' addresses, which the Venezuelan Supreme Court (TSJ) had ruled were protected as private information.

17. (C) Diaz dismissed the opposition's fraud conspiracies, claiming that of thousands of investigations of alleged voter fraud, the CNE had only established eighteen instances of a person voting illegally, such as voting twice in the same election. He speculated that some of the most sensational allegations might have been generated by the PSUV's political intelligence apparatus to discourage opposition voters, who would feel that "it wasn't worth it to vote." Diaz argued that the opposition's real challenge was to register the approximately 1.3 million potential young voters. The CNE had not issued any publicity surrounding its latest voter registration drive, a fact Diaz saw as an intentional decision by the CNE's Chavista majority to prevent the registry of youths likely to support the opposition.

OPPOSITION CANDIDATE SELECTION: NO EASY ANSWERS

18. (C) Diaz lamented that there was no way for the CNE to force the opposition parties to democratize. He observed that the most "democratic" party in Venezuela, the PSUV, held the most autocratic vision for Venezuela, while those parties with the most progressive political agenda were the most authoritarian in their internal affairs. He worried that important leaders within the opposition who either did not run in the 2008 state and local elections, or who were not favored by their party leaders, would not be selected as candidates in the 2010 elections.

19. (C) When asked about opposition leader Leopoldo Lopez's calls for nationwide opposition primaries to select candidates for the 2010 elections (see septel), Diaz noted Lopez's serious underestimate of the cost and questioned the likelihood of the opposition agreeing to hold them. However, Diaz said the electoral timeline would have a deadline, probably May, to hold opposition primaries, and he suggested the parties seek consensus until that date, and then hold primaries for any remaining contested slots. Diaz said he was looking for ways to minimize the cost of the primaries, which the Constitution requires the CNE to charge non-government entities, so that "cost" did not become an

excuse for not holding them. Since the election for AN Deputies involves both a party slate of candidates and a list of individual candidates ("nominales"), Diaz suggested that the November 2008 state and local election results be used to determine the relative weight of each opposition party in the "opposition party slate," and that primaries be used to select the slate of individual candidates.

CNE Rectors: United on Political Issues, Divided by
Personalities

¶10. (C) Diaz described the four Chavista rectors as divided into two camps that were not on speaking terms: President Tibisay Lucena and Sandra Oblitas on one side, and Vice President Yaneth Hernandez and German Yopez on the other. PSUV Mayor of Libertador Jorge Rodriguez, Chavez's campaign strategist and former CNE President, was closely aligned with Lucena and Oblitas. However, on political issues, Dias said the four Chavista rectors were united. On organizational and technical issues, though, the two sides often split, leaving Diaz, ironically, as the swing vote and the "bridge" between them. Diaz said it served Chavez to keep his followers divided, observing that Chavez "is El Comandante, surrounded by lots of third officers, but no second officers. Chavez never allows second officers."

¶11. (C) As a result of these internal CNE fissures, Diaz speculated that Hernandez and Yopez would be replaced when their terms expired at the end of October. According to local press, Yopez is seeking reelection but the CNE voted November 4 to allow Hernandez a "special retirement." (Note: Candidates for CNE rectorships are nominated, ostensibly in consultation with civil society, by AN members and then elected by a vote of two-thirds of the full AN. The period for nominations for candidates for the Hernandez and Yopez positions closed on November 4. 32 nominations were made by universities across the country, and 12 candidates were presented by civil society, ("Poder Ciudadano"). The Constitution does not set a timeline for when the rectors must be selected, suggesting the vote could take place anytime before the AN session closes on December 15. End Note.) Diaz confirmed rumors that close Chavez ally and Minister of Public Works Diosdado Cabello was trying to assert his influence within the CNE, including by trying to influence the selection of the new rectors.

COMMENT

¶12. (C) Diaz's conclusion that elections have been "transparent but not fair" jibes with the observation of pollsters (reftel) that electoral fraud does not occur in the voting booths but in the electoral laws, regulations, and campaign environment leading up to election day. These experts express concern that a perception of electoral fraud encourages abstentionism by the non-Chavista electorate.
CAULFIELD